IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3988 OF 2005

Nihal Rais Shaikh ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Ganesh Gole for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 13,2005.

P.C.:

1. The offence alleged against the Applicant and co-accused is under sections 366, 384, 302, 201 read with Section 34 of Indian Penal Code.

2. Shri Gole, learned Counsel for the Applicant submitted that the only material available against the Applicant is alleged recovery of the dead body of the child who was allegedly kidnapped. He submitted that mere recovery of the body at the instance of the Applicant-accused is not sufficient to come to the conclusion that the Applicant has committed murder of the child. He therefore submitted that in absence of any material on record against the Applicant, a case is made out for grant of bail. The learned A.P.P. placed for my perusal the material which is available on record. There are three statements of the witnesses who had last seen the child with the accused. There is also a statement of one rickshaw driver, which along with other

material is sufficient to indicate complicity of the Applicant in the offence of brutal nature. Moreover, D.N.A. test established that the body is of the complainant's son.

3. The learned Sessions Judge has already framed charge against the Applicant and co-accused and expedited the trial.

4. Considering the material on record, I find no reason to differ with the view taken by the learned Sessions Judge. Hence, Application is rejected.

JUDGE